S.B.Cr.Misc. Bail App. No. 5373/2007
(Ameen Khan and Ors. Vs. State of Rajasthan)

Date of order : 14/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. B.S.Rathore, for the petitioners.

Mr. Ashok Upadhyay, Public Prosecutor.

Mr. Pritam Solanki for the first-informant.

Learned counsel for the petitioners does not want to press the bail application filed by petitioner No.2 Dharampal against whom there is allegation for the offence under Section 376 IPC.

The bail application filed by the petitioner No.2 Dharampal under Section 439 Cr.P.C. is therefore, dismissed as not pressed.

Heard learned counsel for the petitioners and the Public Prosecutor for the State as also the counsel appearing for the first informant. Perused the order impugned and police investigation diary as also the first information report lodged by the prosecutrix.

In the first information report, the prosecutrix stated that the petitioner No.1 Ameen Khan was his neighbour and she has been meeting with him and he persuaded her to go to a person of having good wealth as her husband was not keeping her well and she on his saying went with him. She was taken first to the house of one Bajrangdas and thereafter to the house of accused Dharampal and finally Ameen Khan went away leaving her at the house of Dharampal. It is alleged that Dharampal used to have regular sexual intercourse against her wishes. So far as petitioner No.3 Phool Singh alias Moola

Ram is concerned, the allegation against him is that the co-accused Dharampal and petitioner Phool Singh alias Moola Ram used to give beating. Except beating there is no allegation of rape against petitioner Phool Singh alias Moola Ram.

Having regard to the facts and circumstances of the case and the fact that the allegation of rape is against accused Dharampal, without commenting on the merit of the case which may prejudice the case of either party, I think it just and proper to enlarge the accused petitioners No.1 and 3 on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. filed by the petitioners No.1 Ameen Khan and petitioner No.3 Phool Singh alias Moola Ram is allowed and it is directed that petitioners Ameen Khan S/o Bhike Khan and Phool Singh alias Moola Ram Jat be released on bail in FIR No. 270/07 P.S. Dungargarh, district Bikaner, provided each of them executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP